

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

AMY GITSON, et al.,
Plaintiffs,

v.

TRADER JOE'S COMPANY,
Defendant.

Case No. [13-cv-01333-WHO](#)

**STIPULATED REQUEST FOR ORDER
AMENDING CASE MANAGEMENT
ORDER**

The parties to the above-entitled action jointly submit this Stipulated Request for Order Amending the current Case Management Order:

WHEREAS this putative class action was filed on March 25, 2013;

WHEREAS Defendant's motion to dismiss Plaintiffs' Corrected Second Amended Complaint is fully briefed and set for hearing before this court on January 8, 2014;

WHEREAS the case management order entered by Judge Alsup (prior to this case being transferred to this Court) on June 21, 2013 contains a number of deadlines which the parties seek to change;

IT IS HEREBY STIPULATED AND AGREED by the parties, through their counsel, that pursuant to Local Rule 6-1(b), to the following amendments to the deadlines contained in the June 21, 2013 Case Management Order, subject to this Court's approval:

- The motion for class certification must be filed by ~~JANUARY 9~~ **MAY 9, 2014**, with Trader Joe's to file its Opposition no later than ~~JANUARY 30~~ **MAY 30, 2014**, with Plaintiffs' to file their Reply no later than ~~FEBRUARY 13~~ **JUNE 13, 2014**, and with the motion set to be heard no later than ~~FEBRUARY 27~~ **JUNE 27, 2014. 28 CALENDAR DAYS** before any expert declaration is filed in support of either party's class certification briefing, the party intending to file the expert declaration shall serve a list of issues on which it will offer expert testimony. This is so all parties will timely be able to obtain counter-experts on listed issues.

- The non-expert discovery cut-off date shall be ~~JUNE 27~~ **OCTOBER 24, 2014**.
- The last date for designation of expert testimony and disclosure of full expert reports under FRCP 26(a)(2) as to any issue on which a party has the burden of proof (“opening reports”) shall be ~~JUNE 27~~ **OCTOBER 24, 2014**. Within **FOURTEEN CALENDAR DAYS** of said deadline, all other parties must disclose any expert reports on the same issue (“opposition reports”). Within **SEVEN CALENDAR DAYS** thereafter, the party with the burden of proof must disclose any reply reports rebutting specific material in opposition reports. The cutoff for all expert discovery shall be **FOURTEEN CALENDAR DAYS** after the deadline for reply reports. At least **28 CALENDAR DAYS** before the due date for opening reports, each party shall serve a list of issues on which it will offer any expert testimony in its case-in-chief (including from non-retained experts).
- The last date to file dispositive motions shall be ~~JULY 24~~ **NOVEMBER 21, 2014**. No dispositive motions shall be heard more than 35 days *after* this deadline, *i.e.*, if any party waits until the last day to file, then the parties must adhere to the 35-day track in order to avoid pressure on the trial date.
- The **FINAL PRETRIAL CONFERENCE** shall be at **2:00 P.M.** on ~~SEPTEMBER 17, 2014~~ **JANUARY 14, 2015**.
- A **JURY TRIAL** shall begin on ~~SEPTEMBER 22, 2014~~ **JANUARY 19, 2015**, at **7:30 A.M.**

Dated: December 23, 2013

/s/ Colin H. Dunn

Counsel for Plaintiffs Gitson, Vodicka, & Ross

Dated: December 23, 2013

/s/ Kate Ides

Counsel for Defendant Trader Joe’s Company

ORDER

In light of the foregoing Stipulated Request, the Court approves the changed dates with respect to the motion for class certification set forth above. The other deadlines shall be adjusted as follows:

Non-expert discovery cut-off: October 10, 2014

Expert designation: October 10, 2014 (the timeframes for opposition reports, reply reports, discovery cutoff and list of issues remain as indicated in the Stipulated Request).

1 Last day for **hearing** of dispositive motions: December 17, 2014

2 Pretrial Conference: March 2, 2015

3 Trial: March 23, 2015.

4 Additionally, a further Case Management Conference shall be held in Courtroom 2 on
5 September 2, 2014.

6 **IT IS SO ORDERED.**

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8 Dated: January 6, 2014

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10 WILLIAM H. ORRICK
United States District Judge

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United States District Court
Northern District of California